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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/813,386

03/20/2001

Christopher Richard Uhlik

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45222 7590 04/03/2007

ARRAYCOMM/BLAKELY
12400 WILSHIRE BLVD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/813,386

Applicant(s)

UHLIK ET AL.

Examiner

Naghmeh Mehrpour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 4-8, 11-23, 25**, are rejected under 35 U.S.C. 102(e) as being anticipated by Kaplan et al. (US Publication 2002/0146129 A1).

Regarding **Claims 1, 13, 22**, Kaplan teaches a method comprising:

a communication device establishing a wireless communication session with a remote user terminal, the wireless communication session having associated therewith a first session time limit the communication device detecting a session renewal and the communication device altering the first session time limit in response to detecting the session renewal (0039, 0040).

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Regarding **Claims 4, 11, 25**, Kaplan teaches a method wherein the session renewal is caused by the communication device detecting active data exchange between the remote user terminal and the, communication device prior to the lapse of the session time limit (0039, 0040).

Regarding **Claims 5, 12**, Kaplan teaches a method wherein the communication device altering the session time limit comprising the communication device extending the session time limit by a time limit is equal in duration to the original of the session time limit (0039, 0040).

Regarding **Claims 6-7, 14**, Kaplan teaches a method wherein communication device altering the session time limit comprises the communication device extending the session renewal is received by the communication device from the remote user (0039, 0040).

Regarding **Claims 8, 16**, Kaplan teaches a method comprising: a communication device providing a session to a remote user terminal, the session having associated therewith a first session time limit the communication device determining whether a session renewal has been generated; and upon lapse of the first session time limit, the communication device determining whether a session renewal has been generated; and if having determined that a session renewal has been generated, renewing the session

for a second session time limit, and if having determined that a session renewal has not been generated, terminating the session (0039, 0040, 0041).

Regarding **Claims 15, 17, 23**, Kaplan teaches an apparatus for communicating channels in a wireless communication system, the apparatus comprising:

a session lifespan means for providing a time limit to a communication session with an external device, the communication session characterized by an ability of the external device to have access to wireless communication channels for exchanging data, **the session lifespan means further for detecting a session renewal by determining whether a predetermined condition results in a session renewal (0039, 0040, 0041); and**

wherein the session management means is coupled to the timing mechanism, and wherein the session management means altering the time in response to the predetermined condition comprises:

a session management means indicating to the timing mechanism to delay or extend the time limit in response to the predetermined condition (0039, 0040, 0041).

Regarding **Claim 18, 25**, Kaplan teaches a method wherein the session management means altering the time limit in response to the predetermined condition further includes the session management means detecting at least one channel utilized by the external entity for the data exchange (0039, 0040).

Regarding **Claim 19**, Kaplan teaches an apparatus wherein the session management means for altering the time limit in response to the predetermined condition (0039, 0040, 0041).

Regarding **Claims 20-21**, Kaplan teaches an apparatus wherein network congestion is characterized at least in part by a number of session open channels that are active (0041).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 2-3, 9-10, 24**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al. (US Publication 2002/0146129 A1) in view of Mustafa (US Publication 2002/0087716).

Regarding **Claims 2-3**, Kaplan fails to teach a method wherein the communication device detecting a session renewal further comprises device receiving session renewal is caused by a priority status associated with the remote user terminal. However, Mustafa teaches a method wherein the communication device detecting a session renewal further comprises device receiving session renewal is caused by a priority

status associated with the remote user terminal (0007). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Mustafa with Kaplan, in order to provide a technique that can support customized priority services to the data link frames transmitted simultaneously over single or multiple communication links where the involved link(s) exhibits different and diverse network characteristics such as interrupting the transmission of a low priority frame in the presence of a high priority frame in real time at the data link communication layer.

Regarding **Claims 9-10**, Kaplan fails to teach a method wherein the communication device determining whether a session renewal has been generated further comprises the communication device receiving an indication of the priority status from the remote user terminal. However, Mustafa teaches a method wherein the communication device determining whether a session renewal has been generated further comprises the communication device receiving an indication of the priority status from the remote user terminal (0007). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Mustafa with Kaplan, in order to provide a technique that can support customized priority services to the data link frames transmitted simultaneously over single or multiple communication links where the involved link(s) exhibits different and diverse network characteristics such as interrupting the transmission of a low priority frame in the presence of a high priority frame in real time at the data link communication layer.

Regarding **Claim 24**, Kaplan fails to specifically mention that the apparatus time limit is determined based at least in part on a quality of service (checking the error) parameter of the external entity. However, Mustafa teaches an apparatus wherein time limit is determined based at least in part on a quality of service (checking the error) parameter of the external entity ((0007). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Mustafa with Kaplan, in order to provide a technique that can support customized priority services to the data link frames transmitted simultaneously over single or multiple communication links where the involved link(s) exhibits different and diverse network characteristics such as interrupting the transmission of a low priority frame in the presence of a high priority frame in real time at the data link communication layer.

Response to Arguments

4. Applicant's arguments filed 1/16/07 have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does

not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to the applicant's argument that "*Kaplan has nothing to do with a time limit or the length of a session itself, or that a different session time limit could be set, but rather with the activity level of the session, or renewal session, and altering the session time limit in response to detecting the session renewal.*"

The Examiner asserts that Kaplan teaches in FIG. 7 shows more specifically how the user of the wireless device selects a period of time after which the connection between the wireless device and the database server is terminated if the wireless device remains idle (i.e., if it does not send any data to the database server). As described previously, this security measure would make it more difficult for someone other than the intended user of the WDMS to use it, for example, through a lost or stolen wireless device. Unless unauthorized users can find or steal a wireless device in less than the timeout period they cannot access data kept within the WDMS. Part A of FIG. 7 shows how a user of a wireless device 10 establishes a new connection or "session" with a database or databases through a web or application server. After prompting from a user 400 software on the web or application server assigns session information 410 ("session ID"). The session ID is particularly useful within the system of the invention because it allows a user to reconnect to a session that was timed out as described above. As shown in Part D of FIG. 7, to reconnect to a previous session a user of a wireless

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device 10 need only make a request for that session 470, whereupon a web or application server 90 would reply 480 by reconnecting the user to the WDMS. This could potentially save hours of the user's time by allowing him or her to reconnect directly to the same point within the database at which he or she was working before his or her connection timed out. Databases often have many different layers that must be navigated in order to find a particular piece of information. Also, a search done slightly differently on the same database may return completely different results. Session IDs would be stored, along with other information about the user's session (e.g., stored results of requests which that user has made to a database or databases) in order to allow a user to quickly find the position that he or she had previously held within the database structure. Part B of FIG. 7 shows how a user might adjust the period for timeouts within the system of the invention by setting a time to be kept in memory on a web or application server. Software on a web or application server 90 asks a user at its console 440 how long he or she expects to remain idle 420. The user replies with a specific length of time beyond which they do not expect to remain idle 430. To further remove the possibility of unwanted user access to the WDMS (wireless database management system), users may only adjust the length of the timeout from a console 440 to a web or application server, the console being hard-wired to the web or application server; allowing such a change to be made from a wireless device might compromise the privacy of the entire WDMS.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

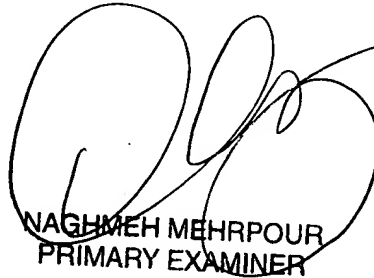
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

March 30, 2007



NAGHMEH MEHRPOUR
PRIMARY EXAMINER